

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JEFFREY COLE ERB,

Plaintiff,

v.

ORDER

23-cv-329-wmc

HONORABLE CRAIG THOMPSON,  
Secretary of the Department of  
Transportation, in his official capacity,

Defendant.

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Defendant Craig Thompson, sued in his official capacity as Secretary of the Wisconsin Department of Transportation, filed a motion to dismiss the amended complaint filed by plaintiff Jeffrey Cole Erb for violating Federal Rule of Civil Procedure 8 and, alternatively, moved for a more definite statement under Rule 12(e). (Dkt. #16.) On January 14, 2025, the court granted defendant's alternative motion for a more definite statement. (Dkt. #24.) In doing so, the court gave plaintiff Jeffrey Cole Erb the following specific instructions:

That document, which shall be entitled "Plaintiff's More Definite Statement," must clearly list each specific cause of action or legal claim for relief. Under a heading for each cause of action listed by plaintiff, he must articulate in no more than two numbered paragraphs only those factual allegations which directly support that claim for relief. Plaintiff shall state as briefly as possible the facts showing that he is entitled to relief under each of the alleged legal theories, but may not include legal argument.

(*Id.* at 4-5.) Plaintiff was further told that his more definite statement could not exceed "eight, double-spaced pages." (*Id.* at 5 (emphasis in original).)

Plaintiff has now filed a more definite statement (dkt. #25), which at least better delineates the causes of actions asserted in his amended complaint (dkt. #15), although

providing no additional factual allegations. Rather than continue this dance, the court finds that defendant has enough notice of the essential facts and causes of actions between the amended complaint and more definite statement to respond. Accordingly, defendant's motion to dismiss under Fed. R. Civ. P. 8 (dkt. #17) will be denied.

ORDER

IT IS ORDERED that:

- 1) Defendant's motion to dismiss plaintiff's amended complaint under Fed. R. Civ. P. 8 (dkt. #16) is DENIED.
- 2) Defendant may have until February 18, 2025 to answer, move or otherwise respond to both the amended complaint (dkt. #15) and plaintiff's more definite statement (dkt. #25).

Entered this 27th day of January, 2025.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge